Education Secretariat.

NOTIFICATION.

Bangalore, dated 23rd—25th November 1965.

G.S.R. 752.—The following draft of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 31 of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 (Mysore Act 7 of 1962) is hereby published as required by sub-section (1) of the said Section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after 31st March 1966.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to the Government of Mysore, Education Department, Vidhana Soudha, Bangalore-1.

[No. ED 16 SAR 64.]

By Order and in the name of the Governor of Mysore,

W. A. Smith, *Under Secy.*

THE MYSORE ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1965.

1. Title.—These rules may be called the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Rules, 1965.

2. Definitions.—In these rules, unless the context otherwise requires—

(*a*) 'Act' means the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 (Mysore Act 7 of 1962) ;

(*b*) 'construction' of any structure includes additions to or alterations of an existing buildings ;

(*c*) 'copying', together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film with the aid of a hand-camera which is capable of taking films of not more than eight millimetres and which does not require the use of a stand or involve any special previous arrangement ;

(*d*) 'filming', together with its grammatical variations and cognate expressions, means the preparation of cinematographic film with the aid of camera which is capable of taking films of more than eight millimetres and which requires the use of a stand or involves other special previous arrangements ;

(*e*) 'form' means a form set out in the Schedule ;

(*f*) 'mining operation' means any operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature ;

(*g*) 'prohibited area' or 'regulated area' means an area near or adjoining a protected monument which the State Government has, by notification in the official Gazette, declared to be a prohibited area, or, as the case may be, a regulated area, for purposes of mining operation or construction or both ;

(*h*) 'Schedule' means a Schedule appended to these rules ; and

(*i*) 'section' means a section of the Act.

CHAPTER II.

ACCESS *to Protected* MONUMENTS.

3. Monuments governed by agreement.—(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the State Government under Section 6, or in respect of which an order has been made by the Government under Section 9, shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rules 4 or 5 shall be construed as affecting any such agreement or order.

(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.

4. Parts of Monuments not open.—The Director may, by order, direct that any specified part of a protected monument shall not be open, permanently or for a specified period, to any person other than the Director, his agents, subordinates and workmen and any other Government servant on duty at such part.

5. Holding of meetings, etc., in monuments.—(1) No protected monuments shall be used for the purpose of holding any meeting, receiption, party, conference or

entertainment except under and in accordance with a permission in writing granted by the Government.

(2) Nothing in sub-rule (1) shall apply to any meeting, receiption, party, conference or entertainment which is held in pursuance of a recognised religious usage or custom.

6. Prohibition of certain acts within monuments :—No person shall within a protected monument,—

(*a*) do any act which causes or is likely to cause damage or injury to any part of the monument; or

(*b*) discharge any fire-arms; or

(*c*) cook or consume food except in areas, if any permitted to be used for that purpose; or

(*d*) hawk or sell any goods or wares or canvas any customer for such goods or wares or display any advertisement in any form or show a visitor round for monetary consideration except under the authority of, or under and in accordance with the conditions of a licence granted by the Director, or

(*e*) beg for alms; or

(*f*) violate any practice; usage or custom applicable to or observed in the monument; or

(*g*) bring, for any purpose other than the maintenance of the monument,—

(*i*) any animal, or

(*ii*) any vehicle except in areas reserved for the parking thereof.

7. Penalty. Whoever—

(*i*) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or

(*ii*) contravenes any of the provisions of rule 5 or rule 6-shall be punishable with fine which may extend to five hundred rupees.

CHAPTER III

MOVING OF ANTIQUITIES FROM CERTAIN AREA.

8. **Application for moving antiquities :**—Every application for permission to move any antiquities or any class of antiquities in respect of which a notification has been issued under sub-section (1) of section 22 shall be made in Form I to the Director at least three months before the proposed date of the moving.

9. **Grant or refusal of permission :**—On receipt of an application under rule 8, the Director may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.

10. **Appeal :**—Any person aggrieved by an order of the Director under rule 9, may prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

CHAPTER IV.

MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS.

11. **Notice of intention to declare a prohibited or regulated area.**—(1) before declaring an area near or adjoining a protected monument, to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so, and a copy of such notification shall be affixed in a conspicuous place near the area.

(2) Every such notification shall specify the limits of the area which is to be so declared and shall also call for objections, if any, from interested persons.

12. Declaration of prohibited or regulated area.—After the expiry of one month from the date of the Notification under rule 11 and after considering the objections, if any, received within the said period, the Government may declare, by notification in the Official Gazette, the area specified in the Notification under rule 11 or any part of such area, to be a prohibited area or, as the the case may be, a regulated area for purposes of mining operation or construction or both.

13. Effect or declaration of prohibited or regulated area.—No person other than the Director shall undertake any mining operation or any construction —

(*a*) in a prohibited area, or

(*b*) in a regulated area, except under and in accordance with the terms and conditions of a licence granted by the Director.

14. Application for licence.—Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director in Form II at least three months before the date of commencement of such operation or construction.

15. Grant or refusal of licence.—(1) On receipt of an application under rule 14, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence.

(2) Every licence granted under sub-rule (1) shall be in Form III and be subject to the following conditions, namely :—

(*a*) the licence shall not be transferable ;

(*b*) it shall be valid for the period specified therein ; and

(*c*) any other condition relating to the manner of carrying out the mining operation or the construction which the Director may specify in the licence for ensuring the safety and appearance of, and the maintenance of the approach and access to, the protected monument.

16. Cancellation of licence.—The Director may, by order, cancel a licence granted under rule 15, if he is satisfied that any of its conditions hae been violated :

Provided that no licence shall be cancelled unless the licensee has been given an opportunity to make his objections.

17. Appeal.—Any person aggrieved by an order of the Director made under rule 15 or rule 16, may prefer an appeal to the Government ; and the decision of the Government on such appeal shall be final.

18. Removal of unauthorised buildings.—(1) The Government may, by order, direct the owner or occupier of an unauthorised building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 15, to remove such building or part thereof within a period specified in that order.

(2) If the owner or occupier refuses or fails to comply with an order made under sub-rule (1), the Government may direct the District Magistrate to cause the building or part thereof to be removed, and the owner or occupier shall be liable to pay the cost of such removal.

19 Penalty.—Whoever—

(i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or

(ii) contravenes any of the conditions of a licence, or

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 18,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to two thousand rupees or with both.

CHAPTER V.

COPYING AND FILMING OF PROTECTED MONUMENTS.

20. Permission required for copying certain monuments.—The Director may, by order, direct that no person other than an officer authorised by him in this behalf shall copy any specified monument or part thereof except under and in accordance with the terms and conditions of a permission in writing granted by the Director.

21. Conditions of copying other monuments.—(1) Any person may copy a protected monument in respect of which no order under rule 22 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorising any person other than the Director or an Officer authorised by the Director in this behalf, while copying any such monument, to—

(*a*) bring into or use within the precincts of such monument a camera-stand, stool, chair, table, large drawing-board, easel or any such appliance, or

(*b*) erect any scaffolding within such precincts, or

(*c*) use within such precincts any artificial light other than a flashlight synchronised with the exposure of a camera, or

(*d*) apply any extraneous matter, such as water, oil, grease or any moulding material, on such monument or part thereof, or

(*e*) prepare a direct tracing or mould or squeeze of such monument or part thereof, except under and in accordance with the terms and conditions of a permission in writing granted by the Director.

22. Licence required for filming.—No person other than the Director or an officer authorised by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of a licence granted under rule 24.

23. Application for licence.—Every person intending to undertake any filming operation at a protected monument shall apply to the Director in Form IV at least three months before the proposed date of the commencement of such operation.

24. Grant or refusal of licence.—(1) On receipt of an application under rule 23, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence :

Provided that the Director shall not grant any licence to film the interior of any protected monument, that is to say such part of any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publicising the monument ;

(2) Every licence granted under sub-rule (1) shall be in Form V and be subject to the following conditions, namely :—

(*a*) the licence shall not be transferable and shall be valid for the period specified therein ;

(*b*) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;

(*c*) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted ;

(*d*) no extraneous matter, such as water, oil, grease or the like shall be applied on any part of the monument ;

(*e*) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawns or garden ;

(*f*) the filming operation shall not obstruct or hamper the movement or persons who may lawfully be within the precincts of the monument ; and

(*g*) any other condition which the Director may specify in the licence.

(b) in the case of any order or notice affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of O. XXIX or rule 3 of O. XXX, as the case may be, in the Frist Schedule to the of Civil Procedure, 1908; and

(c) in the case of any order or notice affecting an individual person, be served on such person—

(i) by delivering or tendering it to the person concerned, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or

(iii) by sending it by registered post, acknowledgment due.

SCHEDULE

FORM I

Application for Moving of Antiquities.

(*See* Rule 8)

1 Name and address of applicant.
(If the application is on behalf of an organisation, the name thereof should be given).

2 Name of the place from which antiquities are to be moved.
Locality Taluk District

3 Description of antiquities proposed to be moved. (Photographs showing details of the antiquities should be attached).

4 Approximate date of the moving.

5 Purpose of moving.

6 Whether the antiquities or any of them are objects of worship.

I declare that the above information is correct.

Seal of the

organisation

Signature of the applicant.

Station

Date

(If the application is on behalf of an organisation, the signature should be that of the head of that organisation).

FORM II

Application for Licence for Mining Operation/Construction within a Regulated Area.

(*See* rule 14)

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given).

2. Name of the monument near or adjoining which the regulated area is situated.

Locality Taluk. District.

3. Nature and details of the proposed mining operation/construction in respect of which permission is sought.

(In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the monument and the regulated area should be attached ; and the details regarding the depth down to which the operations to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.

In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached ;and the colour, external appearance and method of the screening of the building and depth down to which the soil will be excavated for the appurtenances of the building should be specified).

4. Purpose of the proposed mining operation/construction.

5. Approximate duration and date of commencement of the proposed mining operation/construction.

I declare that the above information is correct, I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961, and the rules made thereunder.

Station.

Seal of the organisation.

Date

Signature of the applicant

(If the application is on behalf of an organisation, the signature should be that of the head of that organisation).

FORM III.

Licence for Mining Operation/Construction within a Regulated Area.

[*See* Rule 15 (2)]

Whereas .....of .....has applied for a licence for .....in the regulated area near or adjoining ....at ..... Taluk, ...District ....and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archæological Sites and Remains Act, 1961 and the Rules made thereunder.

I, ... Director of Archæology in Mysore do hereby grant this Licence under Sub-Rule (2) of Rule 15 of the said Rules to the said ..... for.....in the area indicated in red outline on the plan attached hereto.

This licence is granted subject to the provisions of the said Act and Rules and is further subject to the following conditions, namely :—

The licence is not transferable. It shall be valid for .... commencing with..... day of . .....19 .

Station.

Date.

Seal of the Department of Archæology of the Government of Mysore.

Signature of the Director of Archæology in Mysore.

FORM IV.

Application for licence for Filming Operation at a Protected Monument.

(*See* Rule 23)

1. Name and address of applicant. (If the application is on behalf of an organisation, the name thereof should be given).

2. Name of the monument at which the proposed filming operation is to be carried out.

   Locality. Taluk. District.

3. Part of the monument proposed to be filmed.

4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished in triplicate).

5. Number of persons in the cast.

6. Approximate duration and date of commencement of proposed filming operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made thereunder.

Station.

Date.

Seal of the Organisation.

Signature of the Applicant.

(If the application is on behalf of an organisation, the signature should be that of the head of the organisation).

FORM V

Licence for Filming operation at a Protected Monument.

(*See* Rule 24)

Whereas .... of ... . has applied for a licence for filming operation at the protected monument known as ..... located at ..... District ..... and has undertaken to observe the provisions of the Mysore Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961, and the Rules made thereunder.

I, ... Director of Archaeology in Mysore do hereby grant this licence under Rule 26 of the said Rules ..... for the carrying out of filming operation, as per script and details of scenes attached hereto, in the following parts of the monuments, namely :—

The licence is granted subject to the provisions of the said Act and Rules and is further subject to the following conditions, namely :—

It shall be valid for ..... commencing with ..... day of 19

Station,

Date,

Seal of the Department
of Archæology,
Government of Mysore.

Signature of the Director of
Archæology in Mysore.